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SUBJECT: ELECTION LAW FALLOUT: KURDS RAGE, ARABS REJOICE,
ALL BRACE FOR ROUND 2

REF: BAGHDAD 02280

Classified By: Deputy Political Counselor Brian Shukan for reasons 1.4
(b,d).

¶1. (C) Summary: The surprise passage on July 22 of a controversial draft of the provincial election law (Reftel) has infuriated the Kurds, emboldened Sunni and Shia Arabs, marked the overflow of simmering anti-Kurdish sentiment, and set the stage for a Presidential veto and further talks in the Council of Representatives (COR). Post has attempted to reconstruct who voted for what in the chaotic Tuesday session: the Islamic Supreme Council of Iraq (ISCI), PM Maliki,s branch of Dawa, and a few small secular parties and independents joined the Kurds, walkout, while nearly all of Tawafuq, the remainder of the Unified Iraqi Alliance (UIA), Iraqiyya, and the Sadrists stayed and voted for "Option Two" on the Kirkuk election. (Note: see Reftel for details of the vote and the Kirkuk options tabled.) Several COR leaders who opposed the Kurds acknowledge they voted largely out of spite at perceived Kurdish inflexibility, and said they are prepared to resume talks with the Kurds in earnest should the law return to the COR. The Kurds are protesting bitterly in Baghdad, Erbil, and Kirkuk, but in the coming days will face a crucial decision) whether to pull further from Baghdad due to the perceived betrayal, or to recognize their unprecedented inability to defeat a united and determined parliamentary coalition of Arabs and adopt a more conciliatory attitude. End summary.

Kurds, Boycott: ISCI & Dawa Support, All Others Oppose

¶2. (C) The leadership of ISCI, Maliki,s branch of Dawa, and several small parties appear to have joined the Kurdish boycott, while nearly all of Tawafuq (including the Iraqi Islamic Party), Iraqiyya, the Sadrists, Fadhila, Dawa Tanzeem, and former PM Ibrahim Jafari,s branch of Dawa remained inside and voted almost unanimously against the Kurds. Determining exactly who joined the Kurds after the the Turkomen called for the a secret ballot for the controversial article) in the walkout has been difficult, with conflicting accounts due to the prevailing chaos) as the vote approached, MPs scurried in and out of the chamber, some boycotting and others politicking. Most of ISCI walked out with the Kurds, including leading MPs Humam Hammudi and Jalal al-Din al-Saghir. Deputy Speaker Khalid Attiya walked out not for loyalty to the Kurds but to protest the use of the secret ballot, as did independent Safia Suhail. Solidarity bloc leader Qassim Daoud, Assyrian Democratic Movement chief Yonadam Kanna, and Communist party leader Hamid Musa joined the Kurds at least briefly outside; somewhat surprisingly, so did prominent Turkomen MP Abbas al-Bayati, who consistently opposes the Kurds on Kirkuk but who had accepted the long-awaited deal on Option One. Dawa bloc leader Ali al-Adib appears to have joined the Kurds for a time, but many Dawa MPs remained inside for the secret ballot and Adib himself later accused Kurdish bloc leader Fuad Massum onstage of breaking their pact by walking out

instead of staying to vote for Option One. In all, approximately 40 non-Kurds departed the chamber between the opening roll call and the vote on the Kirkuk election, but not all as part of the walkout. At the height of the chaos, Mashhadani dramatically produced and swallowed two white pills, declaring to the assembly, "I'm living on valium!"

COR Kurds Furious, Arabs Pleased At Message

13. (C) The Kurds are reacting viscerally to what they consider a betrayal. For the first time, they lost a major vote despite employing the primary weapons in their arsenal: apparent consensus with ISCI, Dawa, and the IIP, and the ability to bloc a quorum through a parliamentary walkout. Many MPs are describing what happened on Tuesday in the context of a historical and immutable Arab determination to suppress the Kurds. In particular they criticize Mashhadani, who they regularly called an impediment to political progress even before the Speaker oversaw Tuesday's secret vote. Some relayed fear that Talabani will betray them by ratifying the law) Talabani stated both publicly and privately that he intended to veto the law, but his history of peacemaking gestures on Kurdish causes sits uneasily with the more overtly nationalist Kurdish COR members. We have heard threats of drastic Kurdish action, such as attempting to unseat Mashhadani or ordering the Kurd-dominated Kirkuk provincial council to prepare unilaterally for a referendum on joining the KRG, but such ideas probably will fall aside if election law negotiations restart in earnest. In our engagement with both Kurdish leaders in Baghdad and the northern governorates, we

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have emphasized that the Kurdish bloc must avoid hasty action or inflammatory rhetoric while the wound is still fresh and pursue a solution through the political process.

14. (C) The vote split the Kurds' traditional Shia allies from the rest of the UIA. ISCI COR member Ridha Taqi told us that most ISCI/Badr members joined the Kurds in their walkout prior to the vote, although he and several ISCI/Badr remained in place in their capacities as committee heads or senior committee members. He conceded, however, that a number of UIA members remained and may have voted for Option Two, particularly members from Dawa Tanzim. Dawa COR bloc leader Ali al-Adib bemoaned the walk-out, doubting that a vetoed bill would return to the COR before the parliamentary recess. Characterizing the situation as more serious than a mere problem (mushkilah) but less serious than a crisis (azmah), ISCI's Taqi said the vote sets back the political consensus among Iraq's three major communities that has emerged over the past several months. In contrast, dissident Dawa MP Faleh al-Fayadh - a key Jafari lieutenant - hailed the results and said the unity among disparate Sunni and Shia groupings in favor of Option Two bodes well for Jaffari's National Reform Trend.

15. (C) Several top leaders of the coalition that passed Option Two acknowledge that the vote had more to do with punishing Kurdish obstinacy than with enacting a viable law, but that having taught the Kurds a lesson, they are ready for a more serious negotiation. Deputy Fadhila bloc leader Basim Sharif said the vote &was a good lesson for the Kurds) they need to remember they are part of Iraq.8 Dawa Tanzim MP Abd al-Hadi al-Hassani all but stated outright that the vote was done out of spite in response to the Kurds, perceived unwillingness to compromise. National Dialogue Front leader Salih al-Mutlaq, perhaps the Kurds, most outspoken critic in recent months, said the vote &sends a message to the Kurds that they have gone too far.8 We heard many similar allegations of Kurdish obstinacy throughout the weeks of negotiations over the Kirkuk election. Sharif, Hassani, and Mutlaq all indicated, however, that their blocs) and the COR at large) are ready to return to the

negotiating table presumably after the Presidency Council,s expected veto, now that they have sent the Kurds a message. PolOff encouraged such willingness to talk and reaffirmed the need for compromise.

Reaction in North: Uneasy Calm In Kirkuk, Vitriol In Erbil

¶6. (C) The news created an uneasy tension in Kirkuk province and passionate rhetoric from all sides, but we cannot confirm any violent incidents resulting from it. Kurdish Provincial Council Chairman Rizgar Ali) a PUK member and the province's de facto strongman) predicted a demonstration against the law later this week but assured our PRT leader there will be no violence and that Kirkuki Kurds remain committed to the democratic process. Others were less patient) Muhammad Kamal, the senior KDP member of the PC, said the Kurds will never accept the vote and warned that violence is possible. Kirkuki Arabs and Turkomen are ebullient; Arab PC member Muhammad Khalil said &this is the first time the COR has made a patriotic decision,8 and de facto Iraqi Turkomen Front leader Ali Mahdi told the press &we as Turkomen welcome this law and hope President Talabani does not veto it.8 The Arab and Turkomen blocs released a joint statement praising the law and thanking its patrons.

¶7. (C) KRG leaders in Erbil reacted emotionally. The official KRG statement called the secret vote unconstitutional, placed much of the blame on the Speaker personally, and said if the decision sticks &we will reconsider our position and even our alliances.8 The KRG legislature similarly accused Speaker Mashhadani of violating the Constitution, but added a call for the GOI to implement Article 140 and warning that the bill,s proviso to replace the current security forces in Kirkuk would destabilize the city. In the PUK stronghold of Sulaimaniya, party politburo members effectively aligned with the KRG statement, although less invectively than their Erbil counterparts. KRG President Barzani is arriving in Baghdad this week, on a previously scheduled visit to discuss the SFA and SOFA. Barzani,s visit has the potential either to significantly calm or inflame the situation, depending on how he chooses to play it.

COR Prepares For Veto, Renewed Talks

¶8. (C) The parties are bracing for a Presidency Council veto and the ensuing resumption of negotiations. Legal advisors for all three members of the Presidency, in addition

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to Attiyah, on July 23 were unenthused about a procedural challenge (e.g. arguing that the secret ballot was illegitimate or that the loss of quorum for the bill's final articles negates the vote as a whole). Talabani on July 22 told us he would veto the draft, and issued a public statement on July 23 to that effect. Vice President Tariq al-Hashemi was reluctant to join a veto and departed on July 22 for a previously scheduled visit to Turkey, expected to last at least a week; Vice President Adil Abd al-Mahdi voiced similar misgivings but to join a veto, but today added his signature to Talabani's. The vetoed draft has returned to the COR; Abd al-Mahdi's gesture helps dilute potential anti-Kurdish sentiment in rspnse to Talabani's veto. We are stressing to contacts that time is of the essence) in order to sustain the possibility of provincial elections in 2008, meaningful negotiations must start immediately and another vote must take place before the COR recesses on July 31.

Comment

¶9. (C) Following this legislative defeat, the Kurds can either declare Baghdad hopeless and pull further away, or recognize that they no longer have a parliamentary veto on

national policy and accept the need for greater compromises on sensitive issues. While their indignant morning-after tirades imply a preference for the former, the Kurds still need Baghdad) no amount of unilateralism will deliver them control of Kirkuk or hydrocarbon legislation as they conceive it. Cooler PUK heads like President Talabani, Deputy Prime Minister Barham Salih, and Kurdish COR bloc leader Fuad Massum still drive policy in Baghdad, and probably are savvy enough to recognize the Kurds simply lack the numbers to impose their will against determined and united Arabs. At the same time, delayed provincial elections would set back the cause of national reconciliation, and will particularly disadvantage Sunni Arabs who boycotted in 2005. The first test may be imminent) if the election law does return to the COR before it recesses, all sides must be prepared to compromise. Embassy continues to monitor this situation minutely and will send updates as events unfold.

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